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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/797,368

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Michael L. Bowen

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04/28/2008

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EXAMINER

MAZUMDAR, SONYA

ART UNIT

PAPER NUMBER

1791

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/797,368	<b>Applicant(s)</b> BOWEN ET AL.	
	<b>Examiner</b> SONYA MAZUMDAR	<b>Art Unit</b> 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-15, 20 and 23-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-15, 20 and 23-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Addition of claims 23 through 26 have been acknowledged.
2. Cancellation of claim 21 has been acknowledged.

### ***Response to Arguments***

3. Due to cancellation of claim 21, see page 6 in remarks filed October, 24, 2007, the drawing objection has been withdrawn.
4. Applicant's amendments, see page 2 in the remarks, with respect to claims 12 through 14, have been fully considered, and the rejection under 35 USC 112, 1<sup>st</sup> paragraph and 2<sup>nd</sup> paragraph has been withdrawn.
5. Applicant's arguments with respect to claims 11-15 and 21 have been considered but, in light of amendments, are moot in view of the new grounds of rejection.

Furthermore, although the claim teaches that a nonwoven fabric layer and a coextensive film layer as unbonded in continuous form, the claim does not require the layers to remain unbonded after detachment into multiple segments.

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Roman et al. is solely used to teach a box to dispense wrap segments from a roll. Steiner is solely used to teach dispensing a roll from a box attached to a table. Arco is used to solely teach dispensing a

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wrap in a fan-folded form. These three references teach methods of dispensing a wrap well known to one having ordinary skill in the art.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majors et al. (US 5,704,101) in view of Murphy (US 3,684,641).

Majors et al. teach A wrap comprising at least one nonwoven fabric layer (18) and a coextensive film layer (14) in continuous form, wherein both layers remain unbonded in its continuous form; providing transversely located weakened attachment points (26) positioned at pre-determined lengths throughout the wrap, which define multiple apertures in the wrap (column 4, lines 47-58); providing the finished wrap in a roll form (36) (column 3, lines 40-53; column 4, lines 26-29; column 5, lines 48-65).

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Although Majors et al. teach further processing a finished wrap (column 5, lines 54-65), Majors et al. do not teach specifically dispensing segments of a wrap in roll form. However, Murphy teaches that it would have been obvious to dispense multiple segments from a roll (20) of a multi-ply wrap to further apply onto products (column 4, lines 20-21; column 5, lines 4-7).

9. Claims 12 through 14 and 24 through 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Majors et al. in view of Murphy, as applied to claims 11 and 23 above, and further in view of Roman (US 3,750,873).

The teachings of claim 11 are as described above.

Majors et al. in view of Murphy do not specifically teach a box with a serrated outer edge operable to detach a portion of the wrap from the remainder of the roll housed in the box. Roman teaches cutting a sterilizing bag roll with tear perforations, housed in a box having a sharp cutting edge (abstract; column 2, lines 21-26; Figure 3).

It would have been obvious to one having ordinary skill in the art to provide a box having a cutting edge, as Roman taught, and would have been motivated to do so to avoid a later cutting step and instead, dispense a finished product at a desired length.

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majors et al. in view of Murphy, as applied to claim 11 above, and further in view of Steiner (US 1,877,610).

The teachings of claim 11 are as described above.

Majors et al. in view of Murphy do not specifically teach dispensing a roll adjoined to a table. Steiner teaches unwinding and dispensing sheeting (9) from a roll (10) in a box (4) adjoined to a table (2) (column 3, lines 19-24; Figure 1).

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It would have been obvious to one having ordinary skill in the art to dispense sheets from a roll to a table, as Steiner taught, and would have been motivated to do so to hold a sheet securely in its place if and when laid out on a table, and then tear off the sheet once it is used (page 1, lines 53-63).

11. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Majors et al. in view of Murphy, as applied to claim 11 above, and further in view of Arco (US 4,627,427).

The teachings of claim 11 are as described above.

Majors et al. in view of Murphy do not teach supplying a medical wrap in a fan-folded form. Arco teaches supplying a medical cover sheet (20) in a fan-folded form with various cut lines (A, B, C, D) to yield a cover sheet of a desired length (column 4, lines 38-58; Figure 6).

It would have been obvious to one having ordinary skill in the art to supply a medical wrap in a fan-folded form, as Arco taught, to reduce the transverse dimension of the sheets and thus, reduce space needed to keep the supply of sheets (column 6, lines 30-34).

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONYA MAZUMDAR whose telephone number is (571)272-6019. The examiner can normally be reached on 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SM

/Philip C Tucker/  
Supervisory Patent Examiner, Art Unit 1791